

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

WESLEY DAVID TODD

PLAINTIFF

V.

CIVIL ACTION NO. 3:21-CV-330-KHJ-MTP

WARDEN S. REISER

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Michael T. Parker. [19]. That Report recommends that the Court deny Petitioner Wesley David Todd's Petition for a Writ of Habeas Corpus [1] and dismiss this matter with prejudice. Written objections to the Report were due by June 1, 2022. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636.

When no party has objected to a magistrate judge's report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). In such cases, the Court can apply the clearly erroneous, abuse of discretion, and contrary to law standards of review. *See United States v. Brigham*, 569 F.3d 220, 228 (5th Cir. 2009) (citation omitted).

Todd was incarcerated at the Federal Correctional Complex in Yazoo City, Mississippi, serving a 60-month sentence for importing heroin into the United States. [1] at 1; [11-1] at 2. Following a verbal conflict with prison staff, Todd was

charged with “Disruptive Conduct Most Like Threatening” in violation of the Bureau of Prisons Disciplinary Code 299 ML 203. [11-2] at 2. After a disciplinary hearing, the hearing officer found that Todd committed the alleged acts and sanctioned him by revoking 27 days of good conduct time, among other punishments. [1] at 2. After reviewing Todd’s Petition, the Magistrate Judge recommended that the Court deny the petition for habeas corpus, finding Todd’s petition is likely moot due to his probable release from federal custody and that even if his petition is not moot, he was not denied due process. Todd did not object to the Recommendation, and his time to do so has passed. The Court finds the Report and Recommendation is not clearly erroneous or contrary to law. The Court adopts the Report and Recommendation as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [19] of United States Magistrate Judge Michael T. Parker, entered in this cause should be, and the same is, adopted as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that Todd’s Petition for Writ of Habeas Corpus [1] is DENIED, and this case is DISMISSED.

SO ORDERED AND ADJUDGED this the 2nd day of June, 2022.

s/ Kristi H. Johnson  
UNITED STATES DISTRICT JUDGE